

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT G. WYCKOFF,	:	CIVIL ACTION NO. 00-2248
	:	
Plaintiff,	:	
	:	
v.	:	CHIEF JUDGE AMBROSE
METROPOLITAN LIFE INSURANCE	:	
COMPANY and KENNETH F.	:	
KACZMAREK,	:	
	:	
Defendants.	:	
	:	

**DEFENDANTS METROPOLITAN LIFE INSURANCE COMPANY AND
KENNETH F. KACZMAREK'S MOTION IN LIMINE TO EXCLUDE FROM
EVIDENCE PLAINTIFF'S EXHIBIT NOS. 21, 39, 40, 41, 42, 46, 52, 55, 58, 112 AND
113 DOCUMENTS AUTHORED BY AND RELATING TO JAMES RAYL**

Defendants Metropolitan Life Insurance Company (“MetLife”) and Kenneth F. Kaczmarek (collectively, the “defendants”) bring this Motion in Limine to Exclude From Evidence Plaintiff’s Exhibit Nos. 21, 39, 40, 41, 42, 46, 52, 55, 58, 112 and 113, documents authored by and relating to James Rayl.

1. In plaintiff’s exhibit list dated September 27, 2006, plaintiff has identified documents authored by and relating to James Rayl. A copy of proposed Exhibit Nos. 21, 39, 40, 41, 42, 46, 52, 55, 58, 112 and 113 are attached as Exhibits B, C, D, and E.¹
2. Plaintiff’s proposed Exhibit Nos. 21, 39, 40, 41, 42, 46, 52, 55, 58, 112 and 113 should be excluded for the reasons set forth in detail in defendants’ Brief in Support of their

¹ Exhibit A is a portion of testimony from the deposition of James Rayl in Rayl v. Metropolitan Life Insurance Co., Inc., CV 97-505.

Motion in Limine to Exclude Exhibit Nos. 21, 39, 40, 41, 42, 46, 52, 55, 58, 112 and 113, documents authored by and relating to James Rayl.

WHEREFORE, based on all of the foregoing reasons as well as those set forth in the accompanying brief, defendants respectfully request that this Court bar the introduction of the irrelevant and highly prejudicial Exhibit Nos. 21, 39, 40, 41, 42, 46, 52, 55, 58, 112 and 113, documents authored by and relating to James Rayl.

Respectfully Submitted,

s/ B. John Pendleton, Jr. _____

B. John Pendleton, Jr.
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Attorneys for Defendants
Metropolitan Life Insurance Company and
Kenneth F. Kaczmarek

Dated: October 3, 2006

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of October, 2006, a true and correct copy of the foregoing DEFENDANTS' MOTION IN LIMINE TO EXCLUDE FROM EVIDENCE PLAINTIFF'S EXHIBIT NOS. 21, 39, 40, 41, 42, 46, 52, 55, 58, 112 and 113, DOCUMENTS AUTHORED BY AND RELATING TO JAMES RAYL was served upon the following via the electronic filing system:

Kenneth R. Behrend, Esquire
BEHREND & ERNSBERGER, P.C.
Union National Bank Building, 3rd Floor
306 Fourth Avenue
Pittsburgh, Pennsylvania 15222

s/ B. John Pendleton, Jr.